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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,328	04/03/2001	Srinivas Gutta	US010164	1775
24737	7590	05/04/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			NGUYEN, DUC M	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/825,328	<b>Applicant(s)</b> GUTTA ET AL.	
	<b>Examiner</b> Duc M. Nguyen	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 9-16, 19-26, 29-31 and 36-47 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 11, 15, 16, 21, 25, 26, 31, 38, 39, 41 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Continuation of Disposition of Claims: Claims withdrawn from consideration are 2-4,9,10,12-14,19,20,22-24,29,30,36,37,40,42-44,46 and 47.

### DETAILED ACTION

This action is in response to applicant's response filed on 11/25/05. Claims 1-4, 9-16, 19-26, 29-31, 36-47 are now pending in the application.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1, 11, 15-16, 21, 25-26, 31, 38-39, 41, 45** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Ellis** (Provisional Application **60/270,463** for US Pub. 2004/0116088) in view of **Asgharzadeh et al** (US Patent Number **5,590,246**).

Regarding claim **1**, **Ellis** discloses a method for recommending an item (i.e., radio station) to a user, comprising the steps of:

- observing one or more environmental characteristics (see page 5, lines 17-28 regarding the user's current location determined by the GPS).
- observing preferences of said user under said one or more environmental characteristics (see page 5, line 17 to page 6, line 3 regarding the user's preferences or **profile**); and
- generating a recommendation score for said item based on features of said item and said observed preferences of said user under said one or more environmental characteristic include **at least one** of characteristic relating to a user location as claimed (see page 5,

lines 17-28 regarding the user location as an index into a database of radio stations matching a user's criteria).

Here, although **Ellis** is silent on the recommendation score, it is noted that in order to recommend a radio station to a user, it is clear that the system in **Ellis** would obviously derive scores for recommended stations based on maximum scores in the similar way as mentioned by **Asgharzadeh** (see col. 2, lines 40-53). Therefore, the claimed limitation regarding a score is made obvious by **Ellis** and **Asgharzadeh**, for generating recommendation scores as claimed, in order to produce recommend radio stations to a user according their highest scores.

Regarding claims **11, 15**, the claims are rejected for the same reason as set forth in claim 1 above. In addition, since **Ellis** discloses the method is used for recommending a radio station based on the user's **current** location and program **schedule** (see page 5, lines 10-28), it is clear that the recommending radio station would obviously be based on a **given time** as claimed. Also note that there is a correlation between a current location and a given time because the user's vehicle is moving

Regarding claims **21, 31, 38, 39**, the claims are rejected for the same reason as set forth in claim 11 above, wherein it is clear that a computer readable medium and/or a processor would be obviously, if not inherently, required in order to compute scores and generate a recommend radio station to a user.

Regarding claims **16, 25-26, 41, 45**, the claims are rejected for the same reason as set forth in claim 21 above. In addition, **Ellis** discloses said one or more environmental characteristic include **at least one** of characteristic relating to a user location as claimed (see page 5, lines 17-

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28 regarding the user location as an index into a database of radio stations matching a user's criteria).

***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 11, 21, 31, 38-39 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Ellis et al** (US 2005/0020223), Enhanced radio system and method.

**Glance** (US 6,947,922), Recommender system and method for generating implicit ratings based on user interactions with handheld devices.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(571) 273-8300 (for formal communications intended for entry)

(571)-273-7893 (for informal or draft communications).

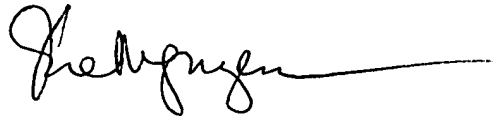
Hand-delivered responses should be brought to Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

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Any inquiry concerning this communication or communications from the examiner should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893, Monday-Thursday (9:00 AM - 5:00 PM).

Or to Matthew Anderson (Supervisor) whose telephone number is (571) 272-4177.

Duc M. Nguyen

A handwritten signature in black ink, appearing to read 'Duc M. Nguyen', with a long horizontal flourish extending to the right.

Apr 26, 2006